

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ROBERT J. NACKMAN,
Plaintiff,

v.

Case No. 08-C-687

JOHN E. POTTER,
Defendant.

ORDER

On April 13, 2009, defendant John E. Potter moved to dismiss this action on the ground that plaintiff was no longer prosecuting it. As an alternative to dismissal, defendant moved for an order compelling plaintiff to make his initial disclosures and revising the scheduling order to allow additional time to conduct discovery. Plaintiff has filed no response to the motion, and based on his failure to respond and the affidavit of defendant's counsel, I find that plaintiff is not diligently prosecuting this action. Therefore, defendant's motion to dismiss for lack of prosecution is **GRANTED** and his alternative motions are **DENIED** as **MOOT**. This action is hereby dismissed without prejudice pursuant to Civil L.R. 41.3.

SO ORDERED at Milwaukee, Wisconsin, this 12 day of May, 2009.

/s _____
LYNN ADELMAN
District Judge